

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RAFAEL SANCHEZ,

Plaintiff,

v.

L'OREAL USA, INC.,

Defendant.

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Case No. 1:21-cv-3229-VEC-BCM

**ORDER GRANTING DEFENDANT'S
MOTION AND DISMISSING THE FIFTH
CAUSE OF ACTION OF PLAINTIFF'S
COMPLAINT WITH PREJUDICE**

THIS MATTER having been brought before the Court by Fisher & Phillips LLP, attorneys for Defendant L'Oreal USA, Inc. ("Defendant"), by way of a Motion to Dismiss the Fifth Cause of Action of Plaintiff's Complaint, pursuant to Fed. R. Civ. P. 12(b)(6) for failing to state a claim upon which relief can be granted, and supporting papers, on notice to The Dugger Law Firm, PLLC, attorneys for Plaintiff Rafael Sanchez; and the Court having considered opposition papers, if any; and the Court having considered the submissions of the parties; and the Court having considered oral argument by counsel, if any; and for good cause being shown:

IT IS, on this _____ day of _____, 2021, HEREBY
ORDERED as follows:

1. Defendant's Motion to Dismiss the Fifth Cause of Action of Plaintiff's Complaint is GRANTED; and
2. The Fifth Cause of Action of Plaintiff's Complaint is DISMISSED in its entirety with prejudice.

3. Defendant shall file an Answer to the remaining Counts of the Complaint within 30 days from the date of this Order.

SO ORDERED:

HON. VALERIE E. CAPRONI, U.S.D.J.